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17439 U.S.PTO

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No. 045600/274144
	First Inventor Nadine Carozzi
	Title AXMI-007, A DELTA-ENDOTOXIN GENE AND METHODS FOR ITS USE
	Express Mail Label No. EV 390050200 US

29857 U.S.PTO  
10/782570

021904

ADDRESS TO: **MAIL STOP PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450**

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Nadine Carozzi; Tracy Hargiss; Michael G. Koziel; Nicholas B. Duck; Brian Carr

Assignee of this invention is Athenix Corporation

1.  The Filing Fee has been calculated as shown below:
2.  Applicant claims Small Entity Status. See 37 CFR 1.27.

No. Filed	No. Extra	Small Entity Rate	Fee 1	Large Entity Rate	Fee 0
<b>BASIC FEE</b>			\$ 385		\$ 0
TOTAL CLAIMS:	23 - 20 = 3	X 9 = \$ 27		x 18 = \$ 0	
INDEP CLAIMS:	4 - 3 = 1	X 43 = \$ 43		x 86 = \$ 0	
[ <input type="checkbox"/> ]MULTIPLE DEPENDENT CLAIMS PRESENTED		+145 = \$ 0		+290 = \$	
*If the difference in Column 1 is less than zero, enter "0" in Column 2.		TOTAL	\$ 455	TOTAL	\$

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- a.  Fees required under 37 CFR 1.16 (National filing fees).
- b.  Fees required under 37 CFR 1.17 (National application processing fees) including any extension of time fees under 37 CFR § 1.136(a) that are required for consideration of papers filed during prosecution.

A check in the amount of \$ 455.00 for the filing fee is enclosed.

The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.

3.  Specification; Total Pages 46
4.  3 Sheets of Drawing(s) (35 USC 113)

5.  Declaration and Power of Attorney; *[Total Pages \_\_\_]*  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*  
 i.  DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
 a.  Computer Readable Copy (CRF)  
 b.  Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05 (must be compliant with new rules)  
 c.  Specification Sequence Listing on:  
   i.  CD-ROM or CD-R (2 copies); or  
   ii.  Paper (37 Pages)  
 d.  Statements verifying identity of above copies

#### ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)

10.  37 CFR 3.73(b) Statement (*when there is an assignee*);  Power of Attorney

11.  English Translation Document (*if applicable*)

12.  Information Disclosure Statement (IDS)/PTO-1449; \_\_\_ Copies of IDS Citations

13.  Preliminary Amendment

14.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)

15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)  
 Foreign Priority is claimed as Application No. \_\_\_, filed \_\_\_\_\_

16.  Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
 Applicant must attach form PTO/SB35 or its equivalent.

17.  Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.

18. If a **CONTINUING APPLICATION**, *check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:*  
 Continuation       Divisional       Continuation in Part (CIP)  
 of prior Application No: \_\_\_; Filed \_\_\_\_\_

Prior Application Information: Examiner \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

Signature: Karen M. Morse

Agent of Record: Karen M. Morse

Agent Registration No. 54,324

**Alston & Bird LLP**

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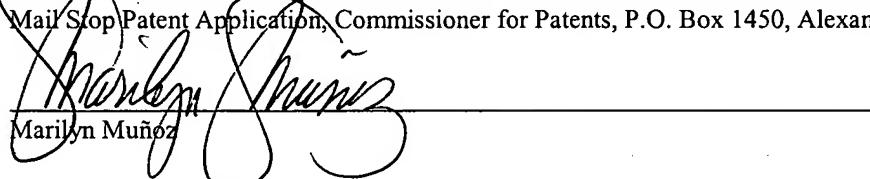
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Date of Deposit February 19, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Marilyn Munoz

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Carozzi *et al.* Confirmation No.: To be assigned  
Appl. No.: To be assigned  
Filed: Concurrently herewith  
For: AXMI-007, A DELTA-ENDOTOXIN GENE AND METHODS FOR ITS USE

STATEMENT IN SUPPORT OF FILING A  
SEQUENCE LISTING UNDER 37 CFR § 1.821(f)

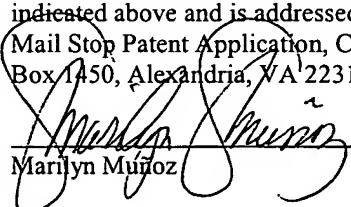
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted concurrently herewith in accordance with 37 CFR § 1.821(c) and (e), are the same.

Respectfully submitted,



Karen M. Morse  
Agent for Applicant  
Registration No. 54,324

<p><b>Customer No. 00826</b> <b>Alston &amp; Bird LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p>"Express Mail" mailing label number EV 390050200 US Date of Deposit February 19, 2004</p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</p>  <p>Marilyn Munoz</p>
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